

1 Laurent R.G. Badoux (NV Bar No. 007265)
LBadoux@Buchalter.com
2 BUCHALTER, a Professional Corporation
16435 North Scottsdale Road, Suite 440
3 Scottsdale, AZ 85254-1754
Telephone: (480) 383-1800
4 Fax: (480) 824-9400
5 *Attorneys for Keolis Transit America Inc.*
and Kelvin Manzanares

6 **UNITED STATE DISTRICT COURT**
7
8 **FOR THE DISTRICT OF NEVADA**

9 JOSE MENDOZA, et al.,

10 Plaintiffs,

11 v.

12 AMALGAMATED TRANSIT UNION
13 INTERNATIONAL, a nonprofit
14 corporation, et al.,

15 Defendants.

Case No. 2:18-cv-959-JCM-CWH

**JOINT UNOPPOSED EMERGENCY
MOTION FROM KEOLIS
DEFENDANTS AND PLAINTIFFS
REQUESTING LEAVE TO TAKE
DEPOSITION OF KEOLIS 30(B)(6)
REPRESENTATIVE AND DEFENDANT
MANZANARES OUTSIDE OF
PRESCRIBED DISCOVERY
TIMEFRAME**

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18 Here now come KTA Defendants and Plaintiffs and jointly, as Moving Parties,
19 request that they be allowed to schedule two depositions beyond the current April 15,
20 2019 deadline for purposes of discovery cutoff in the captioned action. To the extent
21 required under the standards of Local Rule 26-4, “good cause” exists for taking these
22 depositions outside of the discovery deadline for the following reasons. After an initial
23 error, Plaintiffs submitted timely requests for production, to which KTA Defendants
24 timely objected. The Parties agreed to a compromise as to their dispute regarding said
25 requests for production, but the process of gathering the responsive documents has proved
26 more time-consuming than expected.

1 This process was further hindered by counsel for KTA Defendants (who is the lone
2 legal representatives for the KTA Defendants in this action), having to take leave to
3 arrange and attend his mother's funeral on or around March 16, 2019. The absence from
4 work of KTA Defendants' counsel in conjunction with the funeral services for his mother
5 during the period when the documents needed to be reviewed was an intervening life
6 circumstance out of the control of the KTA Defendants and defense counsel that delayed
7 the search, review and production of discovery. The KTA Defendants and Plaintiffs agree
8 that the KTA depositions should be taken outside the discovery schedule, and the
9 remaining Defendants all have specifically represented they do not oppose this request.
10 Consequently, there is no prejudice to any party herein or other impact to the schedule in
11 place for any other facet of this litigation matter, which further minimizes most of the
12 typical concerns in such circumstances, and further satisfies the elements of LR 26-4. The
13 Moving Parties acted in good faith and seek only a limited extension of time to take the
14 depositions that will not substantially affect the other deadlines.

15 The Moving Parties concur that Plaintiffs want and are entitled to review
16 documents that KTA Defendants are in the process of gathering in anticipation of the
17 previously requested depositions of a Keolis 30(b)(6) representative and Defendant
18 Manzanares. The Moving Parties understand and agree that they will not be allowed
19 beyond April 30, 2019 to complete the two depositions so as to avoid any conflict with
20 other existing deadlines in the case, and that this request has no impact upon, and is
21 intended to have none, over any other discovery or deadline in this case.

22 Counsel for MKA and ATU Defendants were consulted and do not oppose the
23 foregoing request.

24 For the foregoing reasons, the Moving Parties believe good cause and/or excusable
25 neglect is present under the current circumstances in support of their request.
26

1 DATED this 5th day of April, 2019.

2
3 **MICHAEL J. MCAVOYAMAYA**

BUCHALTER,
A PROFESSIONAL CORPORATION

4
5 By: /s/ Michael J. Mcavoyamaya
6 Michael J. Mcavoyamaya
7 mmcavoyamayalaw@gmail.com
8 *Attorneys for Plaintiffs*

By: /s/ Laurent R.G. Badoux
Laurent R.G. Badoux, Esq.
LBadoux@Buchalter.com
*Attorneys for Keolis Transit America
Inc. and Kelvin Manzanares*

9 **It IS ORDERED THAT** Moving Parties shall have until April 30, 2019 to
10 **complete the two outstanding depositions of Kelvin Manzanares and Keolis**
11 **Transportation's 30(b)(6) corporate representatives;**

12 **IT IS FURTHER ORDERED THAT** no other date or obligations of the
13 **Parties under the current scheduling order is affected or changed by this order.**

14 Dated: April 8, 2019

15 
16 UNITED STATES MAGISTRATE JUDGE

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18 I hereby certify that I electronically transmitted
19 the attached document to the Clerk's Office
20 using the CM/ECF System for filing and
21 transmittal of a Notice of Electronic Filing to the
22 following CM/ECF registrants, and mailed a
23 copy of same to the following if non-registrants,
24 this 5th day of April, 2019, to:

25 Michael J. Mcavoyamaya, Esq.
26 4539 Paseo Del Ray
Los Vegas, NV 89121
Attorney for Plaintiff

1 Evan L. James, Esq.
2 Christensen James & Martin
3 7440 W. Sahara Avenue
4 Las Vegas, NV 89117
Attorneys for ATU Defendants

5 Bruce R. Lerner, Esq.
6 Ramya Ravindran, Esq.
7 Georgina Yeomans, Esq.
8 Bredhoff & Kaiser
9 805 15th Street N.W., Suite 1000
10 Washington, D.C. 20005
Attorneys for ATU Defendants

11 Riley A. Clayton, Esq.
12 Hall Jaffe & Clayton, LLP
13 7425 Peak Drive
14 Las Vegas, NV 89128
Attorneys for MKA Defendants

15 Stephen James Tully
16 Efren A. Compean
17 Garrett & Tully, P.C.
18 225 South Lake Avenue, Suite 1400
19 Pasadena, California 91101
Attorneys for MKA Defendants

20 /s/ Lori Harpel